THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 1st day of August,2007

W.P.No.4845 of 2005

Between:-

Sri Sreenivasa Dal and Rice Mills,
SC No.161, Cat.III, Karlapalem,
Rep. by its Proprietor
Uppalapati Ravi … Petitioner

and

The A.P. Southern Power Distribution
Company Ltd., rep. by its Divisional
Electrical Engineer (Operation),
Tenali, Guntur District
and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings No.DEE/O/TNL/TA/F.dok/D.No.180/05, dated 31-1-2005 issued by the 1st respondent demanding the petitioner to pay an amount of Rs.32,805/- under the threat of disconnection of Electricity Service Connection No.161, Cat.III of Karlapalem as arbitrary, illegal and violative of Articles 14, 16 and 300-A of the Constitution of India and consequently to direct the respondents not to take any action including demanding of payment of an amount of Rs.32,805/-.

It appears, petitioner is a rice mill and it had Electricity Service Connection No.161, Category III of Karlapalem, Guntur District. Under the impugned Proceedings, final assessment was made demanding an amount of Rs.32,804.60 against back billing notice issued to the petitioner earlier. It seems, the service was inspected by the Assistant Divisional Engineer, L.T.Meter, Guntur and found that the meter bearing No.149978, Make BHEL, 3.5 Amps with 125/5A CT's has an error of (-) 70.2% when tested with Accucheck meter. Therefore, the Assistant Divisional Engineer, Operation, Bapatla has issued initial assessment notice through his letter dated 21-7-2003 and requested the petitioner to pay amount of Rs.14,027/- towards back billing and it was also indicated that if there is any objection against the said notice, the petitioner can represent the same to the Divisional Electrical Engineer, Tenali. On receiving the representation from the petitioner, final assessment was fixed at Rs.32,804.60.

Learned counsel for the respondents submits that against the impugned Proceedings, the petitioner has an effective alternative remedy of a statutory appeal before the Superintending Engineer concerned and instead of availing the alternative remedy, petitioner has approached this Court directly.

While admitting the Writ Petition on 11-3-2005, interim stay was granted, subject to the condition of the petitioner depositing an amount of Rs.15,000/-. Now, learned counsel for the petitioner states that the petitioner has complied with the said Order and deposited an amount of Rs.15,000/-.

In the facts and circumstances of the case, without expressing any opinion on merits, petitioner is directed to file an appeal against the impugned Proceedings before the competent authority, within a period of 30 days from the date of receipt of a copy of this Order and on filing such appeal, the competent appellate authority shall entertain it, without raising any objection as to the limitation and dispose of the same as per law. Till the disposal of the appeal, the stay granted by this Court on 11-3-2005 shall continue.

With the above directions, the Writ Petition is disposed of. No order as to costs.

01-8-2007

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